

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:07CR426</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>MEMORANDUM AND ORDER</b>
	)	
<b>RAHMAN LAMAR,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's pro se motion to reduce his sentence as a result of the Fair Sentencing Act of 2010 (Filing No. 185). Counsel was appointed but has not entered an appearance (Filing No. 186). The probation office has prepared a worksheet.

The Defendant pleaded guilty to Count I of the Indictment, which charged him with conspiracy to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing crack cocaine, resulting in a statutory minimum sentence of 10 years. The Defendant was sentenced to the mandatory minimum sentence of 120 months imprisonment. The Eighth Circuit Court of Appeals has determined "that the Fair Sentencing Act of 2010, moderating mandatory minimum cocaine base sentences, is not retroactive." *United States v. McKoy*, 665 F.3d 968, 970 (2011). *But see United States v. Hill*, 417 F. App'x 560 (7<sup>th</sup> Cir.), cert. granted, 132 S. Ct. 759 (2011). Therefore, at this time the Defendant is not entitled to a further reduction. Because there are no other nonfrivolous issues that may be addressed with respect to the Defendant's sentence, defense counsel's motion to withdraw will be granted.

IT IS ORDERED:

1. The Defendant's motion to reduce his sentence (Filing No. 185) is denied;  
and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

DATED this 21<sup>st</sup> day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge